

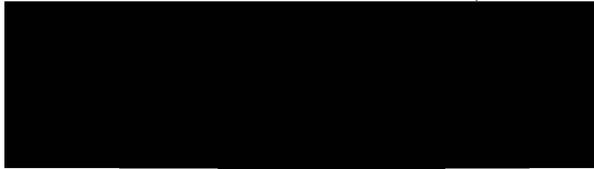


**U.S. Citizenship
and Immigration
Services**

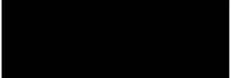
PUBLIC Copy

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

M1



FILE:



Office: CALIFORNIA SERVICE CENTER

Date: JUN 02 2008

[SRC 9915951817]
[WAC 05 104 78345]

INRE:

Applicant:



APPLICATION:

Application for Temporary Protected Status under Section 244 of the Immigration
and Nationality Act, 8 U.S.C. § 1254

ON BEHALF OF APPLICANT:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the California Service Center. Any further inquiry must be made to that office.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The initial application was denied by the Director, Texas Service Center. A subsequent application for re-registration was denied by the Director, California Service Center (CSC), and **forwarded** to the Administrative Appeal Office (AAO) on appeal. The Chief, AAO, reopened the matter and remanded it to the ESC Director for a new **determination**. Both applications were again denied by the ESC Director and are now before the AAO on appeal.

The applicant is a native and citizen of Honduras who is applying for Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

The CSC Director found that the applicant had not established that she had continuously resided in the United **States** since December 30, 1998 and had been continuously physically present in this country since January 5, 1999.

On appeal, counsel states that the applicant entered the United States by crossing the frontier in Texas in November 1998. Counsel further states that at that time, the only contact she had with people in this country was with a church in Harlingen, Texas, called "el buen **pastor**." Counsel indicates that the applicant is forwarding the best evidence that she has at this time.

Section 244(c) of the Act, and the related regulations in 8 C.F.R § 244.2, provide that an applicant who is a national of a foreign state designated by the Attorney General is eligible for temporary protected status only if such alien establishes that he or she:

- (a) Is a national, as defined in section 101(a)(21) of the Act, of a foreign state designated under section 244(b) of the **Act**;
- (b) Has been continuously physically present in the United **States** since the effective date of the most recent designation of that foreign state;
- (c) Has continuously resided in the United States since such date as the Attorney General may designate;
- (d) Is admissible as an immigrant except as provided under section 244.3;
- (e) Is not ineligible under 8 C.F.R § 244.4; and
- (t) (1) Registers for TPS during the initial **registration** period announced by public notice in the *Federal Register*, or
- (2) During any subsequent extension of such designation if at the time of the initial registration period:
 - (i) The applicant is a nonimmigrant or has been granted voluntary **departure** status or any relief from removal;

- (ii) The applicant has an application for change of **status**, adjustment of **status, asylum**, voluntary departure, or any relief from removal which **is** pending or subject to further review or appeal;
- (iii) The applicant **is** a parolee or has a pending request for reparole; or
- (iv) The applicant is a spouse or child of an alien currently eligible to be a TPS registrant.
- (g) Has filed an application for late registration with the appropriate Service director within a 60-day period immediately following the expiration or termination of conditions described in paragraph (f)(2) of this section.

Persons applying for TPS offered to Hondurans must **demonstrate** that they have continuously resided in the United States since December **30**, 1998, and that they have been continuously physically present since **January 5**, 1999. The initial registration period for Hondurans was from January 5, 1999, through August 20, 1999.

The issues in this proceeding are whether the applicant has established her continuous residence in the United States since December 30, 1998 and her continuous physical presence in this country since January **5**, 1999.

The applicant submitted the following documentation:

1. An affidavit from [REDACTED] dated April 14, 1999, in Harlingen, **Texas**, who **states** that she had known the applicant since January 1999.
2. An affidavit from [REDACTED] dated April 14, **1999**, in Harlingen, Texas, who states that she know the applicant smce [REDACTED] r 1998.
3. A copy of the applicant's medical card issued by [REDACTED] **to** her on June 25, 1999.
4. A copy of the applicant's membership card from the Pentecostal Church in Harlingen, Texas, issued on June 16,1999.
5. Copies of Western Union money orders showing the applicant transferred funds to persons abroad on April 27, 1999, June **21**, 1999, July 30, 1999, September 16, 1999, November 27, 1999 and on December 2, 1999.

On appeal, the applicant acknowledges that she has forwarded the best evidence that she has at this time. Without corroborative evidence, the affidavits from acquaintances do not substantiate clear and convincing evidence of the applicant's residence in the United States. It is determined that the applicant has not submitted sufficient evidence to establish her continuous residence in the United States since December 30, 1998, or her continuous physical presence in this country since January 5, 1999. She has, therefore, failed to establish that she has met the criteria described in **8 C.F.R. § 244.2(b) and (c)**. Consequently, the director's decision to deny the **applications** for TPS will be affirmed for these reasons.

The applications will be denied for the above stated reasons, with each considered as an independent and alternative basis for denial. An alien applying for TPS has the burden of proving that he or she meets the requirements enumerated above and is otherwise eligible under the provisions of section 244 of the Act. The applicant has **failed** to meet this burden.

ORDER: The appeal is dismissed.